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ABSTRACT

This report is a compilation of responses to 11 questions from the Ohio Legislative Committee of Education Oversight concerning issues of special education funding and inclusion. Five questions on finance issues address: which special education funding mechanisms ensure that school districts are responsible for a portion of special education costs; possible changes to the state special education funding mechanism to provide for catastrophic cases of extraordinary expense; recommended funding mechanisms; whether taxes raised by county Boards of Mental Retardation and Developmental Disabilities are used to provide special education; and trends in the number of children in special education as related to the total student population. Two questions on inclusion issues consider whether Ohio does more than required by federal law in special education, particularly in terms of inclusion, and the effects of inclusion on nondisabled children. Four questions address other issues, including: which children with disabilities are excused from the proficiency test; whether certain kinds of districts serve a larger concentration of special education students than others; whether any large city school districts are implementing the four new service delivery models; and how the legislature can ensure that the identification of disabilities is consistent across school districts. (DB)

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Special Education Issues: Follow-Up

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The Legislative Office of Education Oversight (LOEO) serves as staff to the Legislative Committee on Education Oversight. Created by the General Assembly in 1989, the Office evaluates education-related activities funded wholly or in part by the state of Ohio.. LOEO prepares research reports and information memos on topics selected by its Committee. Research reports provide conclusions and offer recommendations. Information memos are short descriptions of programs or issues.

Special Education Issues: Follow-Up

During the March 1, 1995 meeting of the Legislative Committee on Education Oversight, the Legislative Office of Education Oversight (LOEO) presented the report, Special Education Issues for Discussion: Funding, Inclusion, and Impact. During the presentation, committee members posed additional questions. LOEO staff provided responses to the individual committee members.

This information memo is a compilation of 11 committee questions and LOEO's responses. It is organized according to financial, inclusion, and other issues as follows:

FINANCE ISSUES **Page**

1. Which special education funding mechanisms ensure school districts are responsible for a portion of special education costs? 2
2. Could we change the state special education funding mechanism to provide for catastrophic cases of extraordinary expense? 3
3. What funding mechanism would LOEO recommend? 4
4. Are taxes raised by county Boards of Mental Retardation and Developmental Disabilities used to provide special education in school districts? 7
5. How has the number of children in special education related to the total student population over time? 8

INCLUSION ISSUES

6. Does Ohio do more than required by federal law to provide special education, particularly in terms of inclusion? 10
7. What is the effect of inclusion on non-disabled children? 12

OTHER ISSUES

8. Which children with disabilities are excused from the proficiency test? 14
9. Do certain kinds of districts serve a larger concentration of special education students than others? 14
10. Are any large city school districts implementing the four new service delivery models? 15
11. How can the legislature ensure that the identification of disabilities, which leads to special education, is consistent across school districts? 17

FINANCE ISSUES

1. Which special education funding mechanisms ensure school districts are responsible for a portion of special education costs?

The LOEO report, Special Education Issues for Discussion: Funding, Inclusion, and Impact, describes four methods used by states to distribute special education funds:

- Weighted-pupil reimbursement;
- Excess-cost funding;
- Percentage reimbursement; and
- Flat-rate funding.

No matter which mechanism the state chooses to distribute state special education funds, most districts will contribute to paying the cost of educating children with disabilities. To illustrate, LOEO calculated costs for a child with multiple disabilities in an urban district, basing the calculations on expenditures reported by the superintendent. This district's per-pupil expenditure (ppe) was $3,844 for regular education. It received $2,239 per regular education student from state basic aid in 1992. The superintendent cited a 1992 average ppe of $15,258 for multihandicapped students in the district.

Under the current **unit funding** mechanism, the state contributed $5,891 and the district $9,060. The federal government contribution was $307. The amount contributed by the federal government is unaffected by the state distribution method, and would remain $307 using any formula.

Under the **weighted pupil formula** proposed by Dr. Howard Fleeter of Ohio State University, the state would have contributed 3.55 times the per-pupil basic aid, or $7,948. The district would have spent $7,003.

Using an **excess cost formula**, in which costs above the regular per-pupil expenditure would be reimbursed by the state and the special education population would be included in the Average Daily Membership (ADM) for basic aid, the state would have contributed $13,653 and the district, $1,298. Using **percentage reimbursement**, in which 80% of the costs above the regular per-pupil expenditure would be reimbursed, the state would pay $11,370. The district would be providing $3,581. If 50% of the excess costs were reimbursed, the state would pay $7,946; the district would pay $7,005.

Exhibit 1 summarizes these figures.

Exhibit 1
Illustration of Different Funding Mechanisms, FY 1992 Dollars

Funding mechanism	Total cost of one MH* student	State contribution	Federal contribution	District contribution
Unit funding	$15,258	$ 5,891	$307	$9,060
Weighted formula	$15,258	$ 7,948	$307	$7,003
Excess cost	$15,258	$13,653	$307	$1,298
Percentage reimbursement (80%)	$15,258	$11,370	$307	$3,581
Percentage reimbursement (50%)	$15,258	$ 7,946	$307	$7,005

*Average 1992 expenditure in one urban district

A **flat-rate** funding formula could be created in many different ways. If it distributed money based on statewide frequency of disability categories, it would have provided a predetermined amount for 0.2% of the district's ADM, because 0.2% of the state's student population are classified as multihandicapped. Without knowing this predetermined amount, LOEO could not calculate theoretical state or district contributions.

2. **Could we change the state special education funding mechanism to provide for catastrophic cases of extraordinary expense?**

Special education funding mechanisms in other states provide for catastrophic cases, as illustrated in Exhibit 2 below.

Exhibit 2
How Some States Meet Catastrophic Special Education Costs

Alabama	Provides a catastrophic trust fund
Connecticut	Provides for costs of instruction that exceed five times the average per pupil expenditure
Illinois	Reimburses districts for extraordinary cases; assists districts with costs of placement in private schools
New Hampshire	Provides up to 80% of catastrophic costs that exceed 3.5 times the state average per pupil expenditure
Pennsylvania	Sets aside $5 million (1% of special education appropriation) for extraordinary expenses and $20 million for costs of institutionalized children
Tennessee	Funds its very-high-cost students separately from the more frequently occurring categories
Vermont	Reimburses districts 90% of funds in excess of three times the foundation cost

In addition, states that use excess cost formulas or percentage reimbursement have no need for separate funds for extraordinary expense. States that use an **excess-cost formula** reimburse special education costs that exceed the regular per-pupil expenditure. States that use **percentage reimbursement** reimburse a fixed percentage of special education costs that exceed the regular per-pupil expenditure. They may choose to increase the percentage of reimbursement for catastrophic cases.

For example, a state that normally reimburses districts 50% of the expenses above the average per pupil expenditure might reimburse extraordinary cases at 80%. Thus, if the average per pupil expenditure was $4,000, and a district spent $8,000 for a specific student, the state would contribute $2,000 in special education funds. If the district spent $22,000 for a specific student, the state would contribute $14,400 in special education funds.

3. What funding mechanism would LOEO recommend?

As illustrated above, each funding mechanism requires district contributions to special education expenditures. Each funding method also has nonfinancial consequences for districts and their students. To recommend a funding mechanism, LOEO assumed that the goals of restructuring Ohio's special education funding methods include:

More equitable distribution of a limited amount of state funding;
No incentive for misidentification of students with disabilities;
No incentive for placing students in a particular setting (one criticism of unit funding is that it encourages the placement of children with disabilities in separate settings); and
A decrease in the impact of catastrophic cases on individual districts.

Exhibit 3 shows whether each funding mechanism addresses several goals.

Exhibit 3
Effects of Funding Mechanisms

Goals:	Equity	Controls state costs	No incentive for misiden-tification of students	Does not affect placement of students	Only pays for provided services	Eliminates or decreases impact of catastrophic costs
Unit		x				possible
Weighted pupil	x	x	x	x		possible
Excess cost	x			x	x	x
Percentage reimburse-ment	x	x	x	x	x	x

The weighted pupil and percentage reimbursement methods appear to have the greatest potential to meet the goals listed above.

Weighted pupil. At the request of ODE, Dr. Fleeter created a model weighted pupil funding system. Although Dr. Fleeter acknowledges that limitations on available data prevent his numbers from being exact, LOEO agrees that the concepts they represent are valid. He created extensive simulations that show how use of his model would affect each district in the state. One of his assumptions was that the weighted pupil mechanism would not change total state spending on special education. Some districts would receive moderate increases, others would have small decreases. The impact on overall equity of fund distribution would be greatest on districts that are running units which currently are not supported by the state.

Dr. Fleeter developed procedures to minimize the problematic features of weighted pupil funding. For example, critics of weighted pupil funding believe that districts will categorize children into the disability that brings the greatest contribution of state dollars. Dr. Fleeter proposed that misidentification of children can be minimized by annually examining district data concerning the incidence of particular disabilities. Information about the frequency of each disability in one district would be compared with its previously reported frequencies and with

the frequency in similar districts. Thus, his model would not affect the district identification of children.

After studying Dr. Fleeter's proposal, LOEO concludes that it would address many problems created by the current unit funding system. LOEO would endorse this proposal if a mechanism for eliminating the burden of catastrophic cases were incorporated.

Percentage reimbursement. However, LOEO finds that a carefully designed percentage reimbursement method could meet more of the above goals than weighted pupil funding, IF:

the percentage of reimbursement were based on available state funds, and
the percentage of reimbursement were adjusted for economic conditions of districts.

Basing the percentage of reimbursement on available state funds would ensure that the claims from the districts would not exceed the state's ability to pay them. A reimbursement schedule could incorporate the requirement that total special education spending would not exceed the amount which would have been spent using unit funding.

Adjusting the percentage to be reimbursed according to the wealth of the district would address equity concerns. Connecticut's funding method incorporates both of these features. A district reimbursement schedule is created using the amount of state special education funding available and district wealth. The wealthiest district receives 2% of excess costs and the poorest district receives 70%. The percentage allocated to the remaining districts depends on the annual appropriation.

The percentage reimbursement method pays districts for the provision of services instead of allocating funds based on the number of children identified as disabled. It does not affect decisions about placing children in the least restrictive environment. It removes incentives for districts to misidentify students, particularly as the amount provided by the state nears the amount for which the district is liable. Because the district is paying a fixed portion of the costs, it has an incentive to limit the costs as much as is legally and ethically possible.

Because the state is providing a portion of all costs exceeding the average per-pupil expenditure, the threat to the district of providing for catastrophic costs in extreme cases is reduced. It would be possible to eliminate district concerns about the cost of extreme cases by creating a separate fund to provide for them. The Connecticut funding mechanism, used as an example above, also incorporates a 100% reimbursement for children whose services cost more than five times the district's average per-pupil expenditure.

LOEO staff discussed percentage reimbursement with Dr. Fleeter. He expressed the opinion that without some cap on total spending for special education, percentage reimbursement might lack incentive to the districts to limit costs. He reminded us that most states that changed their funding formulas in the last few years are in the process of changing them again.

District-to-district consistency of identification and services needed. Dr. Fleeter further expressed that true equity in special education funding will occur only when identification of disabilities and provision of services is consistent among all of Ohio's districts. Federal law

requires each student to be evaluated individually. Ohio Department of Education guidelines give considerable flexibility to district multifactored evaluation teams as they consider each individual diagnosis. For example, to identify a child with a severe behavior handicap, each district's evaluation team chooses its own tests, performance measures, and interpretation of the criteria for diagnosis. Thus, what is considered to be inappropriate types of behavior in one district might be acceptable in another. Behaviors considered prevalent over a long period of time in one district might be considered transient in another.

Ohio law assigns the responsibility of evaluating children and developing Individualized Education Programs (IEPs) to individual districts. Districts have a financial stake in the outcome. At least two states, Oklahoma and Oregon, have delegated evaluation and IEP development to impartial regional or state entities.

Conclusion. LOEO perceives advantages to both percentage reimbursement and weighted pupil funding mechanisms. Dr. Fleeter's simulations allowed LOEO staff to examine his proposal in detail; comparable simulations for percentage reimbursement would be necessary before LOEO could fully endorse one method over the other.

4. Are taxes raised by county Boards of Mental Retardation and Developmental Disabilities (MR/DD) used to provide special education in school districts?

Attorney General's Opinion No. 92-027, on whether these taxes could "follow a child" to a regular school, states:

1. Proceeds of a tax levied pursuant to R. C. 5705.19 (L) for the benefit of a county board of mental retardation and developmental disabilities for the purpose of maintenance and operation of schools, training center, workshops, clinics, and residential facilities for mentally retarded persons may be expended . . . for any of the stated purposes.

2. There is no authority for the automatic transfer to a school district of the proceeds of a levy for the benefit of a county board of mental retardation and developmental disabilities when the school district assumes responsibility for the education of individuals who were previously educated by the county board.

3. A county board of mental retardation and developmental disabilities may pay proceeds from a voted tax levy to a school district in exchange for facilities, programs, goods or services to the extent that the county board has authority to carry out the purposes for which the tax was levied by acquiring those facilities, programs, goods, or services from the school district.

In effect, none of the taxes automatically follow the child, although it is possible for MR/DD boards to pay schools for services if the board chooses.

A source at the state MR/DD Board reports that money raised in local tax levies is never specified for a particular school-age population. The county boards of MR/DD serve many people, including preschool children, adults, and families of people with mental retardation.

The State Board of MR/DD is gradually downsizing its programs for school-age children with disabilities in each county. The state board's philosophy is that children should attend school in their neighborhoods, or as close to their neighborhoods as possible, and with children who are not disabled.

As county boards of MR/DD eliminate their programs for school-age children and send those children to school districts, the boards are not required to send funds with the children. County boards of MR/DD might choose to provide services to a child, a school, or a district at no charge to the district, but this is considered "in-kind" support.

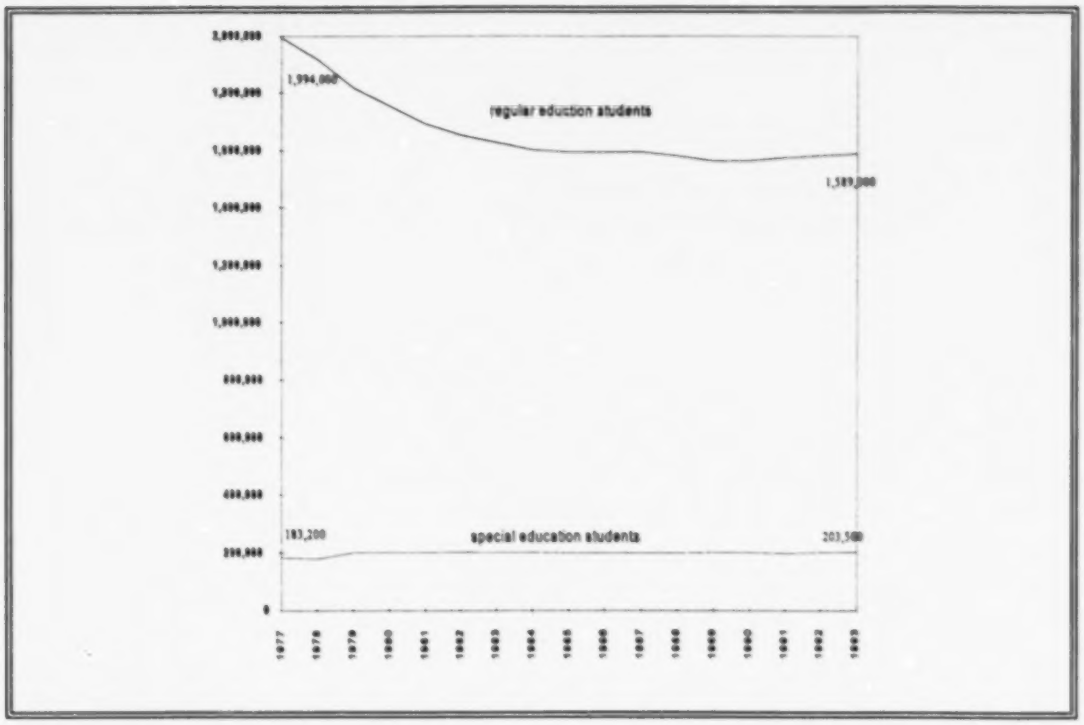
Some county boards of MR/DD in Ohio currently have collaborative agreements to provide this in-kind support to schools. For example, Butler County eliminated its programs for school-age children with disabilities in 1990 but still serves as a resource to school districts for these children. The Butler County Board of MR/DD employs a full-time classroom consultant and a full-time curriculum consultant who help schools in that county serve their children with disabilities.

In addition, when a county board serves school-age children with disabilities, it receives state-funded special education units, in addition to any funds from local MR/DD tax levies. When the MR/DD board no longer serves school-age children, it no longer receives state unit funds.

5. How has the number of children in special education related to the total student population over time?

Exhibit 4 charts regular and special education populations from 1977 to 1993. It depicts an increase in the special education population and a decrease in the regular education population during these years.

Exhibit 4
Regular and Special Education Populations, 1977-1993



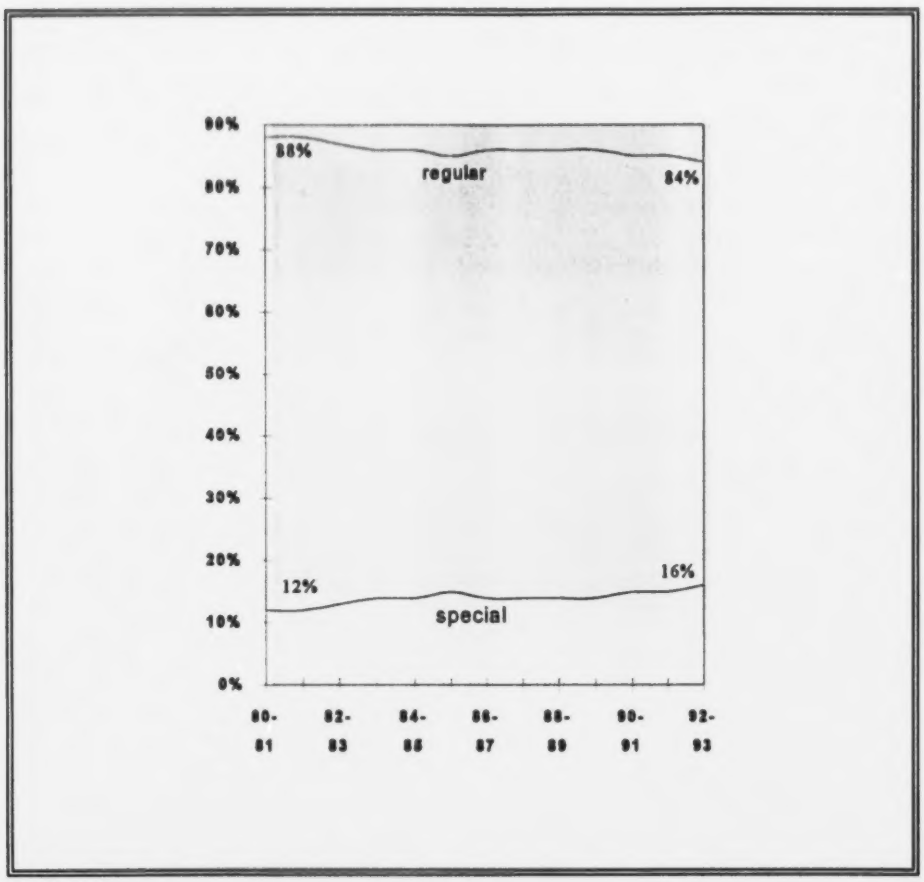
Regular education population includes K-12 students in public schools.

Special education population includes all students, aged 5-22, who receive special education services in public, private, or MR/DD schools.

Please note that the regular education population is for children enrolled in public schools only. Because special education children are supported by public funds no matter where they are served, the number for special education includes those in public, private, and MR/DD schools.

Exhibit 5 displays how the funds schools spend for "instruction" are divided between special education and regular education pupils. As you can see, since 1980 the proportion spent on special education has increased. Pages 10 and 11 of the recent LOEO report, Special Education Issues for Discussion: Funding, Inclusion, and Impact, provide a more detailed discussion of these issues.

Exhibit 5
Proportion of Spending on "Instruction" for Regular and Special Education
1980-1993



regular = spending on regular instruction divided by total spending on instruction
special = spending on special instruction divided by total spending on instruction

INCLUSION ISSUES

6. **Does Ohio do more than required by federal law to provide special education, particularly in terms of inclusion?**

In 1991, the Office of Special Education Programs (OSEP) within the U.S. Department of Education conducted an on-site review of Ohio's special education system and its compliance with federal requirements. OSEP conducts a compliance review of each state every three to four years and publishes a report of its findings one to two years after the review.

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The 1991 report notes that "...numerous aspects of the State's special education system which were consistent with or exceeded Federal requirements are not discussed..." since the focus of the report is areas of non-compliance. The report contained commendations for some specific aspects of Ohio's special education plan, including:

- the mission statement and eight goals for special education in Ohio;
- the alternative service delivery models;
- collaborative work between the Division of Special Education and staff in the areas of Vocational Education, Art Education, and Physical Education;
- a cluster of state agencies to serve the varying needs of children with disabilities;
- expansion of early childhood programs in special education; and
- Ohio's 16 Special Education Regional Resource Centers (SERRCs) and their success at improving educational services for children with disabilities.

These areas of commendation are among the areas in which Ohio may have gone "above and beyond" what is required by federal law, according to OSEP. However, being commended on outstanding practices does not necessarily mean that the state has exceeded federal requirements in a costly way.

With regard to inclusion of disabled children in regular classrooms, the question was posed whether Ohio is doing more than what is required by federal law. Ohio is probably not going beyond federal requirements in this area because the requirements are essentially decided on a case-by-case basis. Consider:

- The federal law requires that all children with disabilities receive an "appropriate" education and services, yet there is no legal definition of appropriate.

- The federal law requires each child be served in the least restrictive environment (LRE). The environment in which the child is educated is the placement noted in the Individualized Education Program (IEP).

- The federal law ensures many rights to children with disabilities and their parents, including that parents must sign the IEP and agree with it. Therefore, defining "appropriate" and the "LRE" are tasks for the parents and other IEP meeting participants, such as the teacher, principal, psychologist, and perhaps other medical personnel or specialists. Since the parents must agree with the contents of the IEP, these terms are sometimes defined by the parents.

- The federal law also mandates that each child and his or her IEP be considered individually. Creating state guidelines for placement, such as inclusion, would violate this law.

- As noted during the Committee meeting, school districts are sometimes better off providing services or personnel that the parents want, than they are to go through litigation to determine whether the child actually needs the services. The cost of providing the services is usually less expensive than a court case.

In spite of these considerations, there have been some interesting court cases in this area:

In 1982, the United States Supreme Court recognized that some settings are simply not suitable for the participation of some children with disabilities. (Board of Education of the Hendrick Hudson Central School District v. Rowley, 458 U.S. 176).

The first federal court of appeals case that interpreted the federal law's mainstreaming requirements took place in 1983, involving a child with moderate mental retardation. In Roncker v. Walter, 700 F.2d 1058 (6th Cir.), the child's parents argued he would benefit from interaction with nondisabled children, in spite of the Cincinnati City Schools' effort to place him in a segregated facility. The court addressed the extent to which this child was entitled to an integrated placement, and developed what is commonly referred to as the Roncker Test, as described by John Britton during a presentation at the 1994 OSBA conference:

"1. Comparison of the educational benefits: Is the "segregated" facility academically superior? If not, placement must be in the least restrictive environment.

2. If so, can the services which make it academically superior be feasibly provided in the "non-segregated" facility? (This is the "portability" standard.)

3. If the services can be feasibly provided in the non-segregated setting, the students must be placed in that setting.

4. Though respecting the strong congressional preference in favor of mainstreaming, the Court did recognize the clear possibility that some handicapped children "simply must be educated in segregated facilities," citing three scenarios:

   a. The child who would not benefit from mainstreaming;

   b. The marginal benefits of mainstreaming are outweighed by the benefits of services that are superior and which could not feasibly be provided in the non-segregated setting; or

   c. The child is a "disruptive force" in the integrated setting.

5. The Court stated that cost is a proper factor to consider unless the school has failed to provide a continuum of placements, i.e., has created its own financial hardship by not having a special education classroom in a regular education building."

The "Roncker Test" is still considered "good law" in Ohio (the 6th Circuit) and throughout the 4th and 8th Federal Circuits. However, experts suggest that these Circuits may soon follow what at least half of the ten Federal Circuits have done with inclusion--make it the first placement for children with disabilities. If the child's progress is not satisfactory, or if for some reason the placement is not going well, the child may be removed from the regular classroom, and at that point, other placements are considered.

7. **What is the effect of inclusion on non-disabled children?**

Four sources provide some information on this topic, but none of it is systematic or broad enough to generalize about the issue in other settings:

1. A 1990 study by the University of Delaware focussed on one particular model for inclusion and its effects on both disabled and nondisabled children. They reported that achievement gains of both disabled and nondisabled children in the model's inclusionary classrooms were greater or equal to gains made by students in non-inclusionary classrooms in another district. However, they acknowledged that some of the gains may be due to demographic differences between the classrooms.

2. Researchers in four states (Colorado, Michigan, Minnesota, and New York) have compared achievement test scores of nondisabled children before and after children with disabilities were included in their classrooms. They report no negative impact on test scores after inclusion. They did not compare test scores of students in schools that were not practicing inclusion. Although the study includes anecdotal evidence about the children's increased sensitivity and acceptance after inclusion is practiced, it does not account for other possible reasons for these changes.

3. The Ohio Department of Education's (ODE) experimental models for special education delivery were evaluated by Ohio State University between 1990 and 1993. Two of the four are inclusionary models.

When the models were evaluated, no data specific to nondisabled children were collected. ODE reports that the Ohio State University evaluation results suggest that the experimental models are effective in meeting the needs of nondisabled and at-risk students. However, the only finding pertaining to the impact on nondisabled children was anecdotal. Some administrators asked to comment on the impact of the models in their schools reported that instruction for nondisabled children was not diluted, or less stringent, when the children with disabilities were included in regular classrooms. Neither Ohio State University nor ODE published or reported anything more on inclusion's effects on nondisabled children.

4. The Education Systems Change Project in Dayton is a resource for school districts practicing inclusion in Ohio. It assists school personnel networking with one another. LOEO has asked their staff for any information on inclusion's effects on nondisabled children.

This limited information is consistent with what LOEO found while researching this area through the following sources:

Education Commission of the States;
National Conference of State Legislators;
Educational Resource Information Center (ERIC);
American Federation of Teachers;
Council for Exceptional Children;
National Association of State Boards of Education; and
National Association of State Directors of Special Education.

LOEO realizes the importance of this issue, particularly in light of the examples cited during the committee meeting. If desired, the committee could consider putting this issue on LOEO's 1995 research agenda, so we could initiate a study of inclusion's effect on nondisabled children in Ohio.

OTHER ISSUES

8. Which children with disabilities are excused from the proficiency test?

Children with disabilities may be exempt from taking the proficiency test on a section-by-section basis. For example, there are currently four sections of the proficiency test: reading, writing, math, and citizenship. It is possible to be exempt from taking one or two sections but still be required to take the remaining sections. The determination of whether a child in special education will take any section or all of the proficiency test is made when that child's Individualized Education Program (IEP) is written, and this decision is stated on the IEP.

Students who are exempt from taking any or all of the proficiency test may still take the test, or sections of it, if they wish to do so. However, if a child with disabilities is exempt from taking the test, and she chooses to take the test, her results are not consolidated with the rest of the district's results. Test results for children who are exempt and take the test anyway are compiled and reported separately. Estimates from ODE indicate that between 1,000 and 2,000 exempt students with disabilities choose to take some portion of the test each year.

The per pupil cost for taking the ninth grade proficiency test in FY 1995 is $4. That is more than a $1 per pupil increase from FY 1994 due to the addition of the eighth grade students and the non-public schools.

9. Do certain kinds of districts serve a larger concentration of special education students than others?

The Legislative Office of Education Oversight obtained 1994 child counts from ODE's Education Management Information System. LOEO staff used these numbers to determine the concentration of special education students across districts as classified by ODE's seven socio-economic comparison groups.

Large urban districts serve both the largest concentration (10.6%) and the largest number of students with disabilities. In order of concentration, these are followed by cities with average income levels, poor rural districts, and suburbs with average income levels. The concentration of disabled students in all of these districts is higher than the statewide figure of 8.5%.

Exhibit 6 presents information about the concentration of special education students. The first column identifies the ODE socio-economic comparison groups. The next three columns show the number of special education students as a proportion of all students in each group.

Sometimes averages blur important differences across school districts. The final two columns show the districts within each group that have especially high concentrations of special education students. As LOEO examined the data, there was a natural break at 11%, so for each group we have provided the number and percent of districts with more than 11% of their students receiving special education.

Exhibit 6
Concentration of Special Education Students Across Ohio Districts by ODE Comparison Groups

Type of district (# in Group)	Percent of students in special education	Number of special education students	Total students	Percent of districts with more than 11% of students in special education	Number of districts with more than 11% of students in special education
Large city, low income (17)	10.6%	41,552	392,126	29.4%	5
City, average income (51)	9.6%	13,461	140,035	19.6%	10
Rural, low income (49)	9.1%	7,570	82,957	18.4%	9
Suburban, average income (78)	8.4%	23,436	278,834	7.7%	6
Rural, average income (271)	7.9%	36,362	398,620	7.3%	20
Suburban, above average income (108)	7.2%	26,951	372,075	6.5%	7
Suburban, very high income (37)	6.7%	8,438	125,121	0.0%	0
State (611)	8.5%	152,779	1,789,768	9.3%	57

10. Are any large city school districts implementing the four new service delivery models?

Exhibit 7 shows Ohio's eight largest cities and how many units each is implementing as service delivery models. ODE did not have this data broken down according to which districts are implementing which of the four models.

Exhibit 7
Large City School Districts Implementing Service Delivery Special Education Models

Unit type	HH	DH	LD	MH	OH	SBH	VH	City totals
Akron	3	6	6	3	4			22
Canton	1	31	11			3	2	48
Cincinnati								0
Cleveland	8	9						17
Columbus		33	7		3	31		74
Dayton	2	12	6	15		2		37
Toledo								0
Youngstown	2	15	17				1	35

HH: Hearing Handicapped
DH: Developmentally Handicapped
LD: Learning Disabled
MH: Multi-Handicapped
OH: Orthopedically Handicapped
SBH: Severe Behavioral Handicapped
VH: Visually Handicapped

Special Education Service Delivery Models. ODE offers all school districts the option of applying to implement any of the four models. ODE mails information about the models and the application process to districts in April and again in September, but there is no deadline for application. Districts can begin implementing models during the school year if they apply to ODE and are approved. Furthermore, districts may also modify their plan during the school year, with ODE approval. ODE staff visit some districts to ensure models are being implemented appropriately, or to provide technical assistance. The service delivery models are:

*1. Special and regular educators jointly serve nonhandicapped students and students with disabilities enrolled full-time in the regular education environment.

2. Special educators serve nonhandicapped students and students with disabilities in the special education classroom. Services may be provided cross-categorically.

3. Special educators serve students with disabilities in the special education classroom, using a functional curriculum. Services may be provided cross-categorically.

*4. Special educators serve students with disabilities as needed, where needed. Services may be provided in a regular education classroom with the regular education teacher, in a learning center, and/or in a special education classroom. The special educator may serve as a consultant, a teacher, and/or a tutor. This model provides services based on needs of students and may incorporate components of the other three models.

*Inclusionary model.

11. How can the legislature ensure that the identification of disabilities, which leads to special education, is consistent across school districts?

Federal law requires each student to be evaluated individually. Ohio Department of Education guidelines give considerable flexibility to district multifactored evaluation teams as they consider each individual diagnosis. For example, Ohio Administrative Code section 3301-51-01(AAA) defines Severe Behavior Handicap as follows:

> A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:
>
> a. An inability to learn, which cannot be explained by intellectual, sensory or health factors;
> b. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
> c. Inappropriate types of behavior or feelings under normal circumstances;
> d. A general pervasive mood of unhappiness or depression; or
> e. A tendency to develop physical symptoms or fears associated with personal or school problems.

Each district's evaluation team chooses its own tests, performance measures, and interpretation of the criteria for diagnosis. Thus, what is considered to be inappropriate types of behavior in one district might be acceptable in another. Behaviors considered prevalent over a long period of time in one district might be considered transient in another.

Current Ohio law assigns the responsibility of evaluating children and developing IEPs to individual districts. Districts have a financial stake in the outcome. At least two other states, Oklahoma and Oregon, have delegated evaluation and IEP development to impartial regional or state entities. LOEO has requested further information on multifactored evaluation practices and IEP development in these states.